

REMARKS

Prior to examination of the above-referenced matter entry of the present amendment is respectfully requested.

The above-referenced application (hereinafter "the '950 application") was filed on August 26, 2003 under Express Mail Label No. EV 349838376 US. At the time of filing the '950 application included eight pages of specification, namely, pages 1-4 and pages 6-9. Original page 5 of the specification was inadvertently omitted from the '950 application.

A preliminary amendment, a copy of which is enclosed, was filed concurrently with the '950 application in which the "Cross Reference to Related Application" of the '950 application was amended to indicate that the '950 application was a continuation application of U.S. Application Serial No. 09/779,021 filed on February 7, 2001, the contents of which were thereby incorporated by reference in its entirety.


In addition, the '950 application was accompanied by a "Utility Patent Application Transmittal", a copy of which is enclosed, in which area "18" was marked to indicate that the '950 application was a continuation of prior application No. 09/779,021.

It is respectfully requested that the insertion of the above material be allowed into the specification of the '950 application being that the '950 application incorporates application No. 09/779,021 in its entirety and that the above material appears, verbatim, at page 5, lines 1 - 29 of application No. 09/779,021.

It is respectfully submitted that the present amendment to the specification of the '950 application does not add new matter. In addition, it is respectfully submitted that the present amendment to the specification of the '950 application is fully supported by application No. 09/779,021.

Early and favorable consideration of the present application is earnestly solicited.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Francesco Sardone', is written over a horizontal line.

Francesco Sardone
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REMARKS

In response to the "Notice of Omitted Item(s) in a Nonprovisional Application", mailed May 10, 2004, Applicants aver that the above-identified application, as filed with the U.S. Patent and Trademark Office on August 26, 2003, included sufficient written description and disclosure to render the application complete and to accord the above-identified application a filing date of August 26, 2003.

The above-identified application, as deposited with the U.S. Patent Office, on August 26, 2003, included the following items (copies of which are enclosed):

- 1 - Eight (8) pages of written description, page five (5) being inadvertently omitted;
- 2 - Five (5) sheets of drawings, including FIGS. 1-7;
- 3 - A Preliminary Amendment requesting amendment to the specification (including the "Cross Reference to Related Application"), drawings and claims prior to examination of the application;
- 4 - A previously executed combined Declaration and Power of Attorney;
- 5 - An executed Fee Transmittal for FY2003;
- 6 - An executed Utility Patent Application Transmittal, indicating that the specification included nine (9) pages;
- 7 - A check in the amount of \$750.00 to cover the filing fee; and
- 8 - A return postcard.

In the Notice of Omitted Item(s) in a Nonprovisional Application, a copy of which is enclosed, the Patent Office indicates that page five (5) of the specification appears to have been omitted from the application.

Applicants concede that page five (5) of the above-identified application was inadvertently omitted from the application, however, irrespective of this fact, Applicants contend that the above-identified application was in fact complete at the time of submission with the U.S. Patent Office and thus should be accorded the filing date of August 26, 2003.

In support thereof, Applicants contend that in the Preliminary Amendment, the "Cross Reference to Related Application" was amended to indicate that the above-identified application was a continuation application of U.S. Application Serial No. 09/779,021 filed on February 7, 2001, the contents of which were thereby incorporated by reference in its entirety.

In addition, the "Utility Patent Application Transmittal" indicated, in area "18", that the above-identified application was a continuation of prior U.S Patent Application No. 09/779,021 (now U.S. Patent 6,610,009).

Accordingly, it is respectfully submitted that page five (5) of the above-identified application was, in fact, present in the above-identified application. In particular, since the above-identified application incorporates U.S. Patent Application No. 09/779,021 in its entirety, and since the material of page five (5) of the above-identified application appears, verbatim, at col. 3, line 48 – col. 4, line 28 of U.S. Patent Application No. 09/779,021, that page five (5) of the above-identified application was not omitted.

Therefore, Applicants respectfully submit that insertion of page five (5) into the above-identified application does not constitute introduction of new matter. In addition, it is respectfully submitted that the present amendment to the specification of the above-identified application is fully supported by U.S. Patent Application No. 09/779,021.

In addition, shortly after the filing of the above-identified application on August 26, 2003, Applicants submitted a Second Preliminary Amendment with the U.S. Patent Office on October 7, 2003, a copy of which is enclosed, in which the text of the specification was amended to include the text of page five (5) of the specification.

Since the Preliminary Amendment filed concurrently with the filing of the above-identified application, amended the "Cross Reference to Related Application" to indicate that the above-identified application was a continuation application of U.S. Application Serial No. 09/779,021 filed on February 7, 2001, the contents of which were thereby incorporated by reference in its entirety, it is respectfully submitted that the Second Preliminary Amendment filed on October 7, 2003 and the presently submitted Third Preliminary Amendment, to add the text of inadvertently omitted page five (5) of the above-identified application thereto, are valid and allowable.

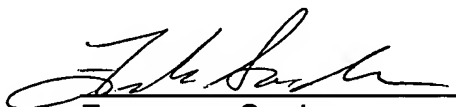
Such an amendment does not constitute introduction of new matter into the above-identified application and thus, the above-identified application should be accorded a filing date of August 26, 2003.

As required under 37 CFR 1.17(h), the U.S. Patent Office is hereby authorized to charge Deposit Account No. 21-0550, in the amount of \$130.00, to cover the required fee. In the event that any additional fee is required or any extension of time and

requisite fees are required for entry of this response and amendment, the U.S. Patent Office may treat this paper as a petition to extend the time as required and charge Deposit Account No. 21-0550 such petition fee. TWO (2) COPIES OF THIS SHEET ARE ENCLOSED.

Early and favorable consideration of the present application is earnestly solicited.

Respectfully submitted,

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